

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, November 4, 2010
7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planing Commission can take action to approve the November 4, 2010 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the October 7, 2010 meeting Minutes.

V Public Hearing

None

VI New Business

None

VII Old Business

Former Harbor Village Sales Office, 100 Marina Drive - Parcel Split

A request was received at the September Planning Commission Meeting for a Parcel Split that would remove the former Harbor Village Sales Office, 100 Marina Drive from parcel 51-51-202-300-00 as shown on survey dated June 30, 2010 prepared by Abonmarche Job No. 10-0414. The Planning Commission Postponed action until the October 7, 2010 meeting to give the applicant time to provide additional documentation. The applicant requested and the Planning Commission approved a postponement until the November 4, 2010 meeting.

At this time the Planning Commission could take action on the request to split the former Harbor Village Sales Office, 100 Maria Drive from Parcel 51-202-300-00 as shown on survey dated June 30, 2010 prepared by Abonmarche Job No. 10-0414.

Medical Marihuana

The Planning Commission will continue their discussion on Medical Marihuana.

VIII Public Comments and Communications

At this time the Chair will ask if there are any public comments.

IX Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

X Staff/Sub-Committee Reports

At this time the Chair will ask Staff for their report.

At this time the Chair will ask if any of the Sub-Committees have anything to report.

XI Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

XII Adjournment

**EASEMENT AGREEMENT FOR
INGRESS AND EGRESS**

THIS EASEMENT AGREEMENT FOR INGRESS AND EGRESS ("Easement") is made and entered into this the ____ day of October, 2010, by and between DSLT. Inc., a Michigan corporation, ("DSLT"), 100 Marina Drive, Manistee, Michigan 49660, and FIRST MICHIGAN BANK, a Michigan corporation, ("Grantee"), 525 Water Street, Port Huron, Michigan 48060.

RECITALS

- A. DSLT is the successor in interest to Manistee Village Partners, a Michigan Co-Partnership which was the original developer of condominium projects located in Manistee, Michigan, one of which is known as the Lakeview Condominium.
- B. Grantee acquired an office building located in the condominium development (the "Office Building") which is located on the real property which is the legal described on attached Exhibit B (the "Grantee Property") to which access is provided by Marina Drive and parking is located adjacent to the Office Building and is part of Marina Drive. That Marina Drive is contiguous to, touches upon, and intersects with, Monroe Street which is a publicly dedicated road.
- C. Under the terms of the Master Deed for the Lakeview Condominium, the original developer reserved an unrestricted easement and license for ingress and egress over all of the property within the condominium including but not limited to roads, walkways and driveways for use by the original developer, its successor and assigns. DSLT is the successor to the original developer and as part of the sale of the Office Building to a third party is entering into this Easement to provide access to the Office Building by Marina Drive.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. Incorporation of RECITALS and Exhibits. The above RECITALS are true and correct and the RECITALS and Exhibits A and B are incorporated by reference as though fully set forth herein.

DSLT, Inc., a Michigan
corporation,

By: _____

Its: _____

STATE OF MICHIGAN

-SS-

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of
_____, 2010, by DSLT, Inc., a Michigan corporation, by
_____ its _____.

Notary Public

_____ County, Michigan
Acting in _____ County, Michigan

My commission expires: _____

FIRST MICHIGAN BANK, a Michigan
corporation

By: _____

Its: _____

EXHIBIT A

A parcel of land located in Section 2, Township 21 North, Range 17 West, City of Manistee, Manistee County, Michigan, more particularly described as follows:

Commencing at the South one quarter post of said Section 2; thence South 89 degrees 35 minutes 57 seconds West, 274.78 feet; thence North 0 degrees 24 minutes 03 seconds West, 870.83 feet, to the point of beginning of the herein described parcel; thence North 14 degrees 27 minutes 23 seconds West, 19.41 feet; thence North 20 degrees 29 minutes 55 seconds East, 26.73 feet to the point of curvature of a non-tangent curve, said curve having a radius of 90.00 feet and a central angle of 28 degrees 32 minutes 37 seconds; thence Easterly along the arc of said curve to the left, a distance of 44.84 feet, said arc subtended by a chord which bears North 85 degrees 25 minutes 20 seconds East, a distance of 44.37 feet; thence North 71 degrees 09 minutes 01 seconds East, 10.83 feet to the point of curvature of a tangent curve, said curve having a radius of 27.00 feet and a central angle of 76 degrees 53 minutes 03 seconds; thence Northeasterly along the arc of said curve to the left, a distance of 36.23 feet, said arc subtended by a chord which bears North 32 degrees 42 minutes 30 seconds East, a distance 33.57 feet; thence North 5 degrees 44 minutes 02 seconds West, 23.99 feet; thence North 84 degrees 15 minutes 58 seconds East, 65.00 feet; thence South 5 degrees 44 minutes 02 seconds East, 9.23 feet to the point of curvature of a tangent curve, said curve having a radius of 10.00 feet and a central angle of 100 degrees 42 minutes 49 seconds; thence Southeasterly along the arc of said curve to the left, a distance of 17.58 feet, said arc subtended by a chord which bears South 56 degrees 05 minutes 26 seconds East, a distance 15.40 feet, to the point of curvature of a non-tangent curve, said curve having a radius of 25.00 feet and a central angle of 31 degrees 15 minutes 07 seconds; thence Northeasterly along the arc of said curve to the left, a distance of 13.64 feet, said arc subtended by a chord which bears North 57 degrees 55 minutes 35 seconds East, a distance of 13.47 feet to the point of curvature of a reverse curve, said curve having a radius of 25.00 feet, and a central angle of 42 degrees 15 minutes 05 seconds; thence Northeasterly along the arc of said curve to the right, a distance of 18.44 feet, said arc subtended by a chord which bears North 63 degrees 25 minutes 34 seconds East, a distance of 18.02 feet to the point of curvature of a compound curve, said curve having a radius of 550.26 feet, and a central angle of 1 degree 44 minutes 34 seconds; thence Easterly along the arc of said curve to the right, a distance of 16.74 feet, said arc subtended by a chord which bears North 85 degrees 25 minutes 24 seconds East, a distance of 16.74 feet to the point of curvature of a non-tangent curve, said curve having a radius of 119.37 feet and a central angle of 6 degrees 49 minutes 21 seconds; thence Northerly along the arc of said curve to the right, a distance of 14.21 feet, said arc subtended by a chord which bears North 12 degrees 16 minutes 19 seconds West, a distance of 14.21 feet to the point of curvature of a non-tangent curve, said curve having a radius of 10.00 feet and a central angle of 84 degrees 02 minutes 59 seconds; thence Southeasterly along the arc of said curve to the left, a distance of 14.67 feet, said arc subtended by a chord which bears South 50 degrees 53 minutes 08 seconds East, a distance

EXHIBIT B

The land referred to herein below is situated in the County of Manistee, State of Michigan, and is described as follows:

A parcel of land located in the Southwest one-quarter of Section 2, Township 21 North, Range 17 West, City of Manistee, Manistee County, Michigan, more particularly described as follows:

Commencing at the South one-quarter post of Section 2, Township 21 North, Range 17 West, City of Manistee, Manistee County, Michigan; thence South 89 degrees 35 minutes 55 seconds West 269.96 feet; thence North 00 degrees 24 minutes 03 seconds West 914.63 feet to the point of beginning of herein described parcel; thence North 09 degrees 41 minutes 31 seconds East 12.16 feet to the point of curvature of a tangent curve, said curve having a radius of 5.00 feet and central angle of 61 degrees 09 minutes 20 seconds; thence Northerly along the arc of said curve to the left, and distance of 5.34 feet, said arc subtended by a chord which bears North 20 degrees 53 minutes 02 seconds West, a distance of 5.09 feet; thence North 51 degrees 27 minutes 42 seconds West 27.95 feet to the point of curvature of a non-tangent curve, said curve having a radius of 59.44 feet and a central angle of 45 degrees 54 minutes 50 seconds; thence Northwesterly along the arc of said curve to the right, a distance of 47.64 feet, said arc subtended by a chord which bears North 40 degrees 31 minutes 34 seconds West, a distance of 46.37 feet to the point of curvature of a non-tangent curve, said curve having a radius of 128.10 feet and a central angle of 38 degrees 49 minutes 49 seconds; thence Northeasterly along the arc of said curve to the left, a distance of 86.81 feet, said arc subtended by a chord which bears North 52 degrees 01 minute 13 seconds, a distance of 85.16 feet; thence South 51 degrees 27 minutes 42 seconds East 54.56 feet to the point of curvature of a tangent curve, said curve having a radius of 7.50 feet and a central angle of 45 degrees 43 minutes 41 seconds; thence Southeasterly along the arc of said curve to the right a distance of 5.99 feet, said arc subtended by a chord which bears South 28 degrees 35 minutes 52 seconds East, a distance of 5.83 feet; thence South 05 degrees 44 minutes 02 seconds East 24.36 feet; thence North 84 degrees 15 minutes 58 seconds East 7.00 feet; thence South 05 degrees 44 minutes 02 seconds East 23.99 feet to the point of curvature of a tangent curve, said curve having a radius of 27.00 feet and a central angle of 76 degrees 53 minutes 03 seconds; thence Southwesterly along the arc of said curve to the right, a distance of 36.23 feet, said arc subtended by a chord which bears South 32 degrees 42 minutes 30 seconds West, a distance of 33.57 feet; thence South 71 degrees 09 minutes 01 second West 10.83 feet to the point of curvature of a tangent curve, said curve having a radius of 90.00 feet and a central angle of 28 degrees 32 minutes 37 seconds; thence Westerly along the arc of said curve to the right, a distance of 44.84 feet, said arc subtended by a chord which bears South 85 degrees 25 minutes 20 seconds West, a distance of 44.37 feet to the point of beginning.

Parcel ID: 51-202-300-00

Street Address: 100 Marina Drive, Manistee

EASEMENT AGREEMENT FOR PARKING

THIS EASEMENT AGREEMENT FOR PARKING ("Easement") is made and entered into this the _____ day of October, 2010, by and between DSLT, a Michigan corporation, ("DSLTT"), 100 Marina Drive, Manistee, Michigan 49660, and FIRST MICHIGAM BANK., a Michigan corporation ("Grantee"), 525 Water Street, Port Huron, Michigan 48060.

RECITALS

- A. DSLT is the successor in interest to Manistee Village Partners, a Michigan Co-Partnership which was the original developer of condominium projects located in Manistee, Michigan, one of which is known as the Lakeview Condominium.
- B. Grantee acquired an office building located in the condominium development (the "Office Building") which is located on the real property which is the legal described on attached Exhibit B (the "Grantee Property") to which access is provided by Marina Drive and parking is located adjacent to the Office Building and is part of Marina Drive. That Marina Drive is contiguous to, touches upon, and intersects with, Monroe Street which is a publicly dedicated road.
- C. Under the terms of the Master Deed for the Lakeview Condominium, the original developer reserved an unrestricted easement and license for parking over all of the property within the condominium including but not limited to roads, walkways and driveways for use by the original developer, its successor and assigns. DSLT is the successor to the original developer and as part of the sale of the Office Building to a third party is entering into this Easement to provide access to the Office Building by Marina Drive.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. Incorporation of RECITALS and Exhibits. The above RECITALS are true and correct and the RECITALS and Exhibits A and B are incorporated by reference as though fully set forth herein.

9. Consideration. The Grantee, in consideration of this Easement, shall pay DSLT One Hundred (\$100.00) Dollars, receipt of which is acknowledged by DSLT.
10. Binding. This Easement shall be binding on and benefit the parties hereto, including their successors and assigns.

DSL, Inc., a Michigan corporation

By: _____

Its: _____

STATE OF MICHIGAN

-ss-

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2010, by DSL, Inc., by _____ its _____.

Notary Public

_____ County, Michigan

Acting in _____ County, Michigan

My commission expires: _____

FIRST MICHIGAN BANK., a Michigan corporation

By: _____

Its: _____

EXHIBIT A

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Parcel ID: 51-202-300-00

Street Address: 100 Marina Drive, Manistee

Medical marijuana test begins

Judge hears probable cause issue involving Michigan's pot law

BY DOUG GUTHRIE
The Detroit News

Ferndale — A probable cause hearing began Wednesday for nine Oakland County residents charged in a case in which local law enforcement is challenging the state's law that allows distribution of medical marijuana.

The accused were associated with Clinical Relief, a Ferndale marijuana dispensary, and were arrested Aug. 25. An alleged warehouse in Macomb County and two clinics in Waterford Township also were raided, leading to other arrests.

All of the Ferndale defendants are free on bond, and 43rd District Judge Joseph Longo did not decide Wednesday whether to bind them over for trial in Oakland County Circuit Court. The hearing continues Friday.

About 50 people demonstrated outside the hearing in favor of



Daniel Mears / The Detroit News

Robert Redden shows his Michigan Department of Community Health issued card that says he is allowed to possess medical marijuana.

the medical marijuana law and against the crackdown.

Lawyers for the defendants said no laws were broken because the clinic operated within rules established by the law that voters passed in 2008. They said Oakland County's prosecutor

and sheriff brought the charges to test the state's law.

There have been arrests and confusion over the law statewide.

A Michigan Court of Appeals judge in September urged state legislators to clarify the "inart-

fully drafted" law, which he said has become a "nightmare."

Under the law, a doctor's approval is needed for a state-issued card from the Michigan Department of Community Health that allows the holder to possess and use up to 2½ ounces of marijuana to alleviate pain. The Michigan Department of Community Health reports it has received 69,530 applications for medical marijuana cards. It has approved 37,730.

A Troy police officer, who served as an undercover investigator with the Oakland County Narcotics Enforcement Team, testified Wednesday that in July she went into Clinical Relief with a counterfeit medical marijuana card and lied to a clinic worker about suffering headaches and experiencing neck pain from a car crash to get an eighth of an ounce of marijuana.

Defense lawyers argued that because the state considers issuance of the cards private medical information, there is no way for a marijuana dispensary to confirm if a card is real or fake.